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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,568	03/22/2001	Isamu Terasaka	SCEI 3.0-059	4542

7590 11/26/2004

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EXAMINER

SELLERS, DANIEL R

ART UNIT PAPER NUMBER

2644

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,568

Applicant(s)

TERASAKA ET AL.

Examiner

Daniel R. Sellers

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2001 and 24 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date see attachment.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 11/29/02 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.
2. The only reference considered is the first reference on the list, WO97/39451 A1. The other references have not be considered since copies have not been submitted.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shiels et al. (Shiels), U.S. Patent No. 5,848,934.
3. Regarding claim 1, see Shiels

*A stream data reproducing apparatus for reading out stream data stored in a recording medium and reproducing the data, comprising:
a reading processing portion for reading out the stream data from the recording medium according to branch definition information stored in the recording medium; (Col. 3, line 66 – Col. 4, line 9) and
a processing portion for reproducing the read out stream data. (Col. 3, lines 50-55).*

Shiels teaches a set-top box (STB), which has these features.

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4. Regarding claim 2, the further limitation of claim 1, see Shiels,

... wherein the branch definition information has information indicating a branch position and information indicating a branch destination, (Col. 5, lines 42-49) and the reading processing portion is operable to start reading out the stream data from the branch destination when the reading of the stream data is completed up to the branch position. (Col. 6, lines 2-8).

Shiels teaches a system, which incorporates branch information with these features.

5. Regarding claim 3, the further limitation of claim 2, see Shiels,

... wherein the branch definition information further has information indicating the number of branches, and the reading processing portion is operable to read out the stream data according to the number of branches. (Col. 7, lines 1-17).

Shiels teaches a branching system that both interactively chooses a branch path or that chooses a branch path according to certain criteria. The system reads out the stream data as determined by the branch information according to the number of branches. In Shiels system, the users interaction is determined necessary when there is at least two branches available after the certain criteria is examined.

6. Regarding claim 4, the further limitation of claim 3, see Shiels,

... wherein the branch definition information further has information indicating whether or not to permit branching, and the reading processing portion is operable to perform branch in reading out the stream data only if branching is permitted. (Col. 7, lines 9-12).

Shiels teaches that a branching instruction only executes when permitted.

7. Regarding claim 5, the further limitation of claim 1, see Shiels,

... wherein the recording medium is a portable recording medium. (Col. 3, lines 13-16).

Shiels teaches that a CD-ROM is used as the portable recording medium.

8. Regarding claim 6, the further limitation of claim 2, see the above rejection of claims 2 and 5. Shiels teaches the features associated with the branch definition information, and Shiels teaches the portable recording medium.

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9. Regarding claim 7, the further limitation of claim 3, see the above rejection of claims 3 and 5. Shiels teaches a portable recording medium.
10. Regarding claim 8, the further limitation of claim 4, see the above rejection of claims 4 and 5. Shiels teaches a portable recording medium.
11. Regarding claim 9, see the above rejection of claim 1. Shiels teaches a method of reading and reproducing a stream according to branch instructions.
12. Regarding claim 10, see the above rejection of claims 1. The system of Shiels consists of a program, which performs the reading out of branch definition information, reading out stream data, and the reproduction of the stream data (Col. 4, lines 10-17). It is inherent in the art that the areas of memory taught by Shiels, specifically units 44, 48, 50, and 52 illustrated in Figure 5, can be physically contained in one memory.
13. Regarding claim 11, see the above rejection of claim 10. Shiels teaches the storage of the reproducing program on a computer readable medium.
14. Regarding claim 12, see the above rejection of claim 1. Shiels teaches a recording medium recorded with these features.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Land et al., U.S. Patent No. 5,315,057, Coelho et al., U.S. Patent No. 5,748,196, Shishido et al., U.S. Patent No. 5,869,782, and Abrams et al., U.S. Patent No. 6,658,309.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 703-605-4300. The examiner can normally be reached on Monday to Friday between 9am and 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS



FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER